

SLR:LDM:BGK
F.# 2011R01354

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

**FINAL
ORDER OF FORFEITURE**

-against-

13-CR-0334 (ARR)

DAVID OLUKAYODE OJO,

Defendant.

X

WHEREAS, on or about August 11, 2011, in United States v. David

Olukayode Ojo, Criminal Docket No. 11-CR-0570 (ARR) (“Criminal Docket No. 11-CR-570 (ARR)”), the government filed an indictment charging the defendant, David Olukayode Ojo, with a violation of 18 U.S.C. § 1349;

WHEREAS, on or about August 9, 2012, in Criminal Docket No. 11-CR-570 (ARR), the defendant pleaded guilty to a violation of 18 U.S.C. § 1349;

WHEREAS, on or about September 20, 2012, in Criminal Docket No. 11-CR-0570 (ARR), the Court entered a Preliminary Order of Forfeiture forfeiting the defendant's right, title and interest in approximately six thousand five hundred and eighty one dollars and no cents (\$6,581.00) in United States Currency (the "Seized Currency"), seized from the defendant, on or about July 11, 2011, in Irvington, New Jersey, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), as property, real or personal, constituting or derived from proceeds traceable to his violation of 18 U.S.C. § 1349, and/or as substitute assets pursuant to 21 U.S.C. § 853(p);

WHEREAS, the government published notice of its intent to forfeit the Seized Currency on the government's official forfeiture website, www.forfeiture.gov, for thirty (30) consecutive days beginning on September 26, 2012, and ending on October 25, 2012.

WHEREAS, on or about April 4, 2013, in Criminal Docket No. 11-CR-0570 (ARR), the defendant moved to withdraw his guilty plea;

WHEREAS, on April 24, 2013, the Court granted the defendant's motion to withdraw his guilty plea;

WHEREAS, on May 24, 2013, in Criminal Docket No. 11-CR-570 (ARR), the defendant orally moved to dismiss the indictment against him;

WHEREAS, on June 4, 2013, the Court dismissed without prejudice the indictment;

WHEREAS, on or about June 5, 2013, the government filed the above-captioned indictment against the defendant, alleging violations of 18 U.S.C. §§ 1349 and 1028(f);

WHEREAS, on June 24, 2013, the government moved that the Preliminary Order of Forfeiture previously issued in Criminal Docket No. 11-CR-570 (ARR), be re-issued in Criminal Docket No. 13-CR-334 (ARR);

WHEREAS, on June 24, 2013, the Court re-issued the Preliminary Order of Forfeiture, which was docketed in Criminal Docket No. 13- CR-334 (ARR) as docket entry number 15;

WHEREAS, in Criminal Docket No. 13-CR-334 (ARR), the government again published notice of its intent to forfeit the Seized Currency on the government's official

forfeiture website, www.forfeiture.gov, for thirty (30) consecutive days beginning on September 25, 2013, and ending on October 24, 2013;

WHEREAS, on August 8, 2013, a jury sitting in this District found the defendant guilty of Counts One and Two in the above-captioned Indictment, charging violations of 18 U.S.C. §§ 1343 and 1028(f);

WHEREAS, at his sentencing on February 27, 2014, the government mistakenly sought entry of a second Preliminary Order of Forfeiture forfeiting the Seized Currency;

WHEREAS, on February 28, 2014, the Court issued the requested Order;

WHEREAS, the government subsequently realized that prior to sentencing, the Preliminary Order of Forfeiture had been previously entered against the defendant;

WHEREAS, the government now seeks to vacate the Preliminary Order of Forfeiture issued on February 28, 2014, and seeks the entry of a Final Order of Forfeiture forfeiting and condemning the Seized Currency to the United States;

WHEREAS, no third-party has filed with the Court any petition or claim in connection with the Seized Currency, and the time to do so under 21 U.S.C. § 853(n)(2) has expired;

WHEREAS, on February 28, 2014, the defendant appealed his conviction; and

WHEREAS, on January 6, 2016, the United States Court of Appeals for the Second Circuit affirmed the defendant's conviction.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Preliminary Order of Forfeiture, issued on February 28, 2014, and previously appended to the Judgment, hereby is vacated in its entirety.

2. The Preliminary Order of Forfeiture, originally issued on September 20, 2012, in Criminal Docket No. 11-CR-570 (ARR), and subsequently re-issued in the above-captioned case, Criminal Docket No. 13-CR-334 (ARR), on June 24, 2013, is made final, and all right, title and interest in the Seized Currency is hereby condemned, forfeited and vested in the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and 21 U.S.C. § 853(p).

3. This Final Order of Forfeiture hereby is made part of the sentence and included in the Judgment.

4. The United States Marshals Service, and its duly authorized agents and contractors hereby are directed to dispose of the Seized Currency in accordance with all applicable laws and regulations.

5. The United States District Court for the Eastern District of New York shall retain jurisdiction over this case for the purpose of enforcing the Preliminary Order, this Final Order of Forfeiture and any supplemental orders of forfeiture as may be necessary.

6. The Clerk of the Court is directed to enter a final judgment of forfeiture to the United States in accordance with the terms of this Order and the Preliminary Order of Forfeiture.

7. The Clerk of the Court is directed to send, by inter-office mail, three (3) certified copies of this executed Order to the United States Attorney's Office, Eastern District of New York, Attention: FSA Senior Law Clerk William K. Helwagen, 271-A Cadman Plaza East, 7th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
6/10, 2016

SO ORDERED:

HONORABLE ALLYNE R. ROSS
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK